

Senate that the House has received the intelligence of the death of the Hon. A. S. Bailey, late Representative from Red River county, and that out of respect to the memory of the deceased member the House has adjourned for the afternoon.

W. M. IMBODEN,
Chief Clerk House of Representatives.

Out of respect for the deceased member,

Senator Lane moved to adjourn till ten o'clock to-morrow morning.

The motion was adopted, and the Senate adjourned till ten o'clock to-morrow morning.

SIXTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, April 2, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Upshaw,
Senator Jarvis was excused till to-morrow, on account of sickness in his family.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Substitute Senate bills Nos. 50 and 52, a bill to be entitled "An act to provide for giving notice of attachments levied upon real estate," with an amendment by the House,

And

House bill No. 515, a bill to be entitled "An act to amend articles 3249 of chapter 2, and articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327 and 3329 of chapter 4, (Militia law,) Revised Statutes of the State of Texas, and to repeal articles 3319, 3320, 3321, 3322, 3323, 3324, 3325 and 3326, chapter

4, of said militia laws," under suspension of the constitutional rule.

W. M. IMBODEN,
Chief Clerk House of Representatives.

After having publicly read its caption, the President gave notice of signing, and did sign, in open session of the Senate,

House bill No. 305, "An act to quiet land titles in the towns of Socorro, Ysleta and San Elizario."

Senate bill No. 266, "An act to provide the manner of assessing and collecting a tax on property in newly created counties, and in territory cut off from one county and attached to another county to pay their pro rata share of the indebtedness of the parent county existing at the time of the severance of a part of its territory."

The President referred to the Committee on Finance House concurrent resolution relating to the reimbursement of citizens of Brenham for property burned, September, 1866.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate concurrent resolution No. 22, fixing the time of adjournment of the Twenty-first Legislature,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out "Monday, April 1, 12 m.," and insert "Thursday, April 4 at 12 m."

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time, with committee amendment.

COMMITTEE ROOM,
AUSTIN, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate bill No. 357, being "An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Claiborne:

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Military Affairs, to whom was referred

House bill No. 515, being "An act to amend article 3249 of chapter 2, and articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327 and 3329 of chapter 4, (Militia law,) Revised Statutes of the State of Texas, and to repeal articles 3319, 3320, 3321, 3322, 3323, 3324, 3325 and 3326, chapter 4, of said militia laws,"

With the recommendation that it be substituted for Senate bill on same subject.

All of which is respectfully submitted.

CLAIBORNE,
Chairman.

Bill read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 242, being "An act to prescribe the time of holding district court in the Eighth judicial district of Texas,"

And find the same correctly enrolled, and have this day, at 10:25 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled bills have carefully examined and compared

Senate bill No. 266, being "An act to provide the manner of assessing and collecting a tax on property in newly created counties, and in territory cut off from one county and attached to another county, to pay their pro rata

share of the indebtedness of the parent county existing at the time of the severance of a part of its territory,"

And find the same correctly enrolled, and have this day, at 10:25 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill 392, being "An act to provide for the repeal of the charter of East Dallas and the annexation of the territory thereof to the city of Dallas,"

And find the same correctly enrolled, and have this day, at 10:25 o'clock a. m., presented the same to the Governor for his signature,

DAVIS,
Chairman.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

To Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of House of Representatives:

Your joint committee of the two houses, to whom was referred the following Senate concurrent resolution, viz:

Resolved, By the Senate, the House of Representatives concurring, that a committee of three members from the Senate and a like number from the House be appointed to consider the propriety of an appropriation to erect a monument at or near the site of the Alamo building in San Antonio, Texas, to commemorate the deeds of the patriots who fell in its defense,

Have had the same under consideration and recommend that an appropriation of not less than \$10,000, from year to year, commencing with 1889, and 1890, be made for the purpose of erecting a monument at the Alamo, in the City of San Antonio, Texas.

POPE,
BURNES,
McDONALD,
Senate Committee.

ROBINSON of Bexar,
PICKETT,
House Committee.

On motion of Senator Burney the resolution was ordered to lie on the table, to be considered with the appropriation bill.

COMMITTEE ROOM,
AUSTIN, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House of Representatives:

Your conference committee, to whom was referred the differences between the two houses on

House bill No. 84, being "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882,"

Have had the same under consideration, and recommend that the House do concur in Senate amendments Nos. 2, 3, 6, 7, 8, 9, 12, 14, 16, 17, 18, 19, 20, 22, and that the Senate recede from Senate amendments Nos. 1, 4, 5, 10, 11, 13, 15, 21.

All of which is respectfully submitted.

ARMISTEAD,
POPE,
CRANFORD,
For the Senate.

MILLS,
BREEDING,
HUMPHREYS,
For the House.

On motion of Senator Burney,

The report of the conference committee on House bill No. 84 was adopted.

Senator Tyler entered a motion to reconsider the vote by which the Senate adopted the report of the conference committee on House bill No. 84.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 291, a bill to entitled "An act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State, and to repeal an act approved April 2, 1887, entitled an act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon

such corporations transacting business in this State, and providing penalties for the violation of the same," with an amendment, and under suspension of the constitutional rule.

The House has concurred in the Senate amendments to House bill No. 154; and

The House has also concurred in the Senate amendments to House bill No. 410.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has adopted the report of the conference committee on House bill No. 84, "The Occupation Tax bill."

The House has passed

Substitute House bill No. 167, a bill to be entitled "An act to provide for the inspection of refined oils, which are the product of petroleum, and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof and to provide penalties for violation of the same,"

And,

House bill No. 500, a bill to be entitled "An act to authorize the Commissioner of Agriculture, Insurance, Statistics and History to sell certain weights and measures."

W. M. IMBODEN,
Chief Clerk House of Representatives.

After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate,

Substitute House bill No. 179, "An act entitled an act to amend articles 4410 and 4413, and to add article 4429a of the Revised Statutes of Texas, in relation to public roads."

House bill No. 42, "An act to amend an act to amend article 4360 of the Revised Statutes of Texas, title 87, chapter 1, approved February 2, 1884."

House bill No. 512, "An act to repeal an act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved March 18, 1885, and to re-enact section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved April 22, 1879."

Substitute House bill No. 632, "An act to amend an act entitled an act to amend section 24 of an act to redistrict the State into judicial dis-

tricts and to fix the times of holding court therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved February 4, 1885."

And

House bill No. 208, "An act to amend chapter 3, title 92 of the Revised Civil Statutes of the State of Texas, relating to certain duties of State or county officers, by adding thereto article 4544a, providing a penalty for failure or refusal to perform such duties.

On motion of Senator Cranford,

The Senate concurred in House amendment to substitute Senate bills Nos. 50 and 52, a bill to be entitled "An act to provide for giving notice of attachments levied upon real estate."

Senate bill No. 357, a bill to be entitled "An act to amend article 4247, chapter 10, title 84 of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate, read the third time and passed.

Substitute Senate bill No. 348, a bill to be entitled "An act to amend section 1 of an act to provide for the sale of such appropriated public lands situated in organized counties of the State of Texas, as contain not more than six hundred and forty acres, approved March 29, 1887,"

Was laid before the Senate as unfinished business.

(Senator Upshaw in the chair.)

Senator Ingram moved to

Amend by inserting at close of bill: "Provided, this act shall not apply to any lands except those mentioned in the act of July 14, 1879, nor to any lands owned or equitably owned or claimed under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office."

(The President in the chair.)

Pending discussion on the amendment,

Senator Upshaw moved the previous question.

Sec ended.

The main question was ordered, and

Senator Ingram's amendment was lost by the following vote:

YEAS—12.

Abercrombie,	Davis,
Armistead,	Field,
Claiborne,	Glasscock,
Cranford,	Harrison,

Ingram,
Kimbrough,

Simkins,
Tyler.

NAYS—14.

Allen,
Atlee,
Burgess,
Burney,
Finley,
Frank,
Lane,

Maetze,
McDonald,
Pope,
Sims,
Stephens,
Upshaw,
Woodward.

ABSENT—2.

Seale,

Townsend.

The bill passed by the following vote:

YEAS—16.

Abercrombie,
Allen,
Armistead,
Atlee,
Burgess,
Burney,
Finley,
Lane,

Maetze,
McDonald,
Pope,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—10.

Claiborne,
Cranford,
Davis,
Field,
Frank,

Glasscock,
Harrison,
Ingram,
Kimbrough,
Simkins.

ABSENT—2.

Seale,

Townsend.

On motion of Senator Lane,
Substitute House bill No. 360, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes,"

Was laid before the Senate as unfinished business.

(Senator McDonald, President pro tem., in the chair.)

SUPREME COURT.

The 30th committee amendment was adopted.

COMMISSION OF APPEALS.

The 31st committee amendment was adopted.

Senator Field offered the following

amendment to committee amendment No. 31 1-2:

Strike out "\$270" and insert "\$360."
Adopted.

The committee amendment, as amended, was adopted.

COURT OF APPEALS.

Committee amendments Nos. 32, 33 and 34 were adopted.

JUDICIAL DEPARTMENT.

On motion, the committee amendment (No. 35) was rejected.

PUBLIC BUILDINGS AND GROUNDS.

The 36 and 36 1-2 committee amendments were adopted.

Senator Davis offered the following amendment:

SUPERINTENDENT PUBLIC BUILDINGS AND GROUNDS.

Add for traveling expenses \$250 in both columns.

Adopted.

PENSION DEPARTMENT.

The committee amendment (No. 37) was adopted.

STATE LUNATIC ASYLUM.

The committee amendments Nos. 38, 39, 40, 41, 42 and 43 were adopted.

NORTH TEXAS INSANE ASYLUM.

The committee amendments Nos. 44, 45, 46 and 47 were adopted.

BLIND ASYLUM.

The committee amendment (No. 48) was adopted.

DEAF AND DUMB ASYLUM.

The committee amendments Nos. 49, 50 and 51 were adopted.

DEPARTMENT OF EDUCATION.

The committee amendments Nos. 52 and 53 were adopted.

STATE UNIVERSITY.

The committee amendment (No. 54) was adopted.

AGRICULTURAL AND MECHANICAL COLLEGE.

The committee amendment (No. 55) was adopted.

DEAF AND DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.

The committee amendments Nos. 56, 57, 58 and 59 were adopted.

STATE PENITENTIARIES.

The committee amendments Nos. 60, 61, 62, 63 and 63 1-2 were adopted.

REFORMATORY.

The committee amendments Nos. 64, 65 and 66 were adopted.

MISCELLANEOUS.

On motion of Senator Simkins, committee amendments Nos. 67 and 68 were rejected.

Committee amendments Nos. 69, 70, 71, 72, and 73 were adopted.

On motion of Senator Glasscock, committee amendments Nos. 74 and 75 were rejected.

(The President in the chair.)

Senator Burney offered the following amendment:

Amend by adding: "To aid in the erection of a monument in the city of San Antonio, Texas, in memory of the heroes who fell in the defense of the Alamo, to be expended under the direction of, and upon the vouchers of the executive committee of the Alamo Monument Association, and subject to the approval of the Governor, the sum of fifteen thousand dollars in each column."

Adopted.

On motion of Senator Kimbrough, committee amendment No. 75 was rejected by the following vote:

YEAS—22.

Abercrombie,	Ingram,
Armistead,	Lane,
Atlee,	Maetze,
Eurges,	McDonald,
Burney,	Pope,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—4.

Allen,	Frank,
Finley,	Kimbrough.

ABSENT—2.

Seale, Townsend.

Committee amendments Nos. 77, 78, 79, 80, 81 and 82 were adopted.

Pending consideration of committee amendment No. 83,

Senator McDonald moved the previous question on the amendment.

Seconded.

Main question ordered.

The amendment was adopted.

Committee amendments Nos. 84 and 85 were adopted.

Pending discussion of committee amendment No. 85a,

Senator Lane moved the previous question.

Seconded.

The main question was ordered.

On motion of Senator Burney,

The committee amendment, No. 85a, was rejected.

Committee amendments Nos. 85b and 86 were adopted.

Senator Lane moved to

"Amend State department so that the Chief Clerk's salary will be raised from \$1,500 to \$1,800."

Adopted.

Senator Armistead offered the following amendment:

Under head of University:

Amend section in reference to purchasing grounds at Galveston by adding after the words "twenty-five thousand dollars, the following: "Out of the general revenue."

Adopted.

Senator Kimbrough offered the following amendment:

QUARANTINE DEPARTMENT.

Amend line 14 by striking out "\$2,500, \$2,500," and inserting "\$5,000, \$5,000."

Adopted.

Senator Allen offered the following amendment:

Public buildings and grounds, page 8, line 13, strike out "360" and insert "480."

Senator Woodward moved the previous question.

Seconded.

The main question was ordered by the following vote:

YEAS—16.

Abercrombie,	Claiborne,
Allen,	Davis,
Armistead,	Field,
Burney,	Glasscock,

Ingram,
Lane,
Maetze,
McDonald,

Sims,
Stephens,
Upshaw,
Woodward.

NAYS—10.

Atlee,
Burges,
Cranford,
Finley,
Frank,

Harrison,
Kimbrough,
Pope,
Simkins,
Tyler.

ABSENT—1.

Seale.

Senator Burges moved to take a recess till 3 o'clock p. m.

Lost.

Senator Pope moved to take a recess till 2:55 p. m.

Lost by the following vote:

YEAS—8.

Burges,
Claiborne,
Harrison,
Kimbrough,

Pope,
Simkins,
Stephens,
Tyler.

NAYS—17.

Abercrombie,
Allen,
Atlee,
Burney,
Cranford,
Davis,
Field,
Finley,
Frank,

Glasscock,
Ingram,
Lane,
Maetze,
McDonald,
Sims,
Upshaw,
Woodward.

ABSENT—2.

Armistead,

Seale.

Senator Burges moved a call of the Senate.

Call sustained.

Absent without excuse—Senator Armistead.

The Sergeant-at-Arms was dispatched to bring in Senator Armistead.

On motion of Senator Lane, Senator Armistead was excused by the following vote:

YEAS—20.

Abercrombie,
Allen,
Atlee,
Burney,
Cranford,
Davis,
Field,
Finley,

Frank,
Glasscock,
Ingram,
Kimbrough,
Lane,
Maetze,
McDonald,
Simkins,

Sims,
Stephens,

Upshaw,
Woodward.

NAYS—5.

Burges,
Claiborne,
Harrison,

Pope,
Tyler.

ABSENT—2.

Armistead,

Seale.

Senator Burges moved to take a recess till 3 o'clock p. m.

Senator Lane made the point of order that the motion was out of order while working under the previous question.

The point of order was sustained, and Senator Burges' motion to take a recess was declared out of order.

Senator Allen's amendment was adopted.

Senator Claiborne entered a motion to reconsider the vote just taken.

Senator Armistead moved to amend by adding after the Supreme Court the following:

"For purchase of books for consultation room, Supreme Court at Austin, \$300."

Adopted.

PUBLIC BUILDINGS AND GROUNDS.

Senator Kimbrough moved to

Amend line 7 by striking out "\$1200, \$1200," and insert "\$1500, \$1500."

Also line 8 by striking out "\$1000, \$1000," and insert "\$1500, \$1500."

Lost.

Senator Burges offered the following amendments:

Under head of miscellaneous, amend by inserting "to pay Mrs. C. M. Winkler for services as one of the commissioners in getting up the exhibit of the State of Texas at the world's fair at New Orleans, three hundred and sixty dollars."

Adopted.

At end of nineteenth page:

For purchase of the "Log Cabin" or "Early Settlement of Texas" picture, by McArdle, \$1,500, or so much thereof as may be necessary, said purchase to be made by the Treasurer of the State and by him appropriated and placed in one of the panels of the rotunda on second floor of the Capitol.

Lost.

Senator Tyler offered the following amendment:

Amend miscellaneous item by adding:

"To pay Huling P. Robertson, mes-

senger appointed to carry the electoral vote of the State of Texas, for expenses incurred in making an extra trip to Washington on account of mistake made by the electors in attesting the electoral vote of the State, \$250, or so much thereof as may be necessary."

Adopted.

The bill as amended passed to its third reading.

On motion of Senator Burges, the Senate took a recess till 3:30 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum present.

Senator Glasscock moved a call of the Senate.

Call sustained.

Absent without excuse: Senators Abercrombie, Burges, Claiborne, Field, Frank, Kimbrough, Maetze, Simkins and Tyler.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Abercrombie, Maetze, Field, Frank, Kimbrough, Simkins and Tyler were announced at the door.

On motion of Senator Pope the call of the Senate was suspended.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, April 2, 1889.

To the Hon. Senate of Texas, in Session:

Your advice and consent to the following appointments are respectfully asked, viz.:

To be commissioners of appeals of the State of Texas, Walter Acker, Edwin Hobby and W. E. Collard.

To be superintendent of the house of correction and reformatory, Ben E. McCulloch.

L. S. Ross,
Governor.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 256, a bill to be entitled "An act to provide for the admission from other States of companies or associations carrying on the business of life or casualty insurance on the assessment or natural premium plan,"

Under a suspension of the constitutional rule.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

House bill No. 669, a bill to be entitled "An act to amend article 426, title 17, chapter 5, of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889,"

Under a suspension of the constitutional rule and by a two-thirds vote—yeas, 75; nays, 4.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed

House bill No. 675, a bill to be entitled "An act to restore the civil and criminal jurisdiction of the county court of Comal county, and to repeal all laws in conflict therewith,"

Under suspension of the constitutional rule and by a two-thirds vote—yeas, 80; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

By leave,

The following reports were sent up by Senator Simkins:

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your special committee to whom was referred

Substitute House bills Nos. 60, 170, 340, 341, 484, 414 and 462, entitled "An act to amend chapter 2, title 15 of the Code of Criminal Procedure by adding thereto article 1057a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lie on the table, there hav-

ing been a bill passed on the same subject.

All of which is respectfully submitted.

SIMKINS,
Chairman.

Bill read first time and ordered to lie on the table.

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your special committee, to whom was referred

Senate bill No. 272, entitled "An act to amend chapter 115, page 117, of the acts of the Eighteenth Legislature, entitled an act to provide for the payment of the expenses of attached witnesses in felony cases, approved April 23, 1883, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lie on the table, there having been a bill passed on the same subject.

All of which is respectfully submitted.

SIMKINS,
Chairman.

Bill read first time and ordered to lie on the table.

By Senator Armistead,

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate resolution to pay Thomas H. Wheelless the sum of forty-five dollars for services as stenographer,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

By Senator Burges:

COMMITTEE ROOM,
AUSTIN, April 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

Substitute House bill No. 40, entitled "An act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act entitled an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendments:

All of which is respectfully submitted.

BURGESS,
Chairman.

The bill was reported April 1, and read first time on that day.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 199, entitled "An act to amend article 1054 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lie on the table, there having been a bill passed on the same subject.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 198, entitled "An act to amend articles 1061b, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lie on the table, there having been a bill passed on the same subject.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

Senator Maetze called up, out of its regular order,

Senate bill No. 131, a bill to be entitled "An act to authorize the State Superintendent of Public Instruction to issue certificates of qualification and teachers' diplomas to teachers in the public free schools, and to make valid diplomas from the Peabody Normal College, Nashville, Tennessee."

The bill was laid before the Senate and read the second time.

Senator Maetze offered a substitute for the bill.

The substitute was adopted and ordered engrossed.

On motion of Senator Davis, House bill No. 396, a bill to be entitled "An act to amend article 4520, title 91, chapter 1 of the Revised Civil Code of the State of Texas,"

Was laid before the Senate and read the second time with committee amendments.

On motion of Senator Davis the committee amendments were adopted.

The bill passed to its third reading.

On motion of Senator McDonald, Substitute House bill No. 471, a bill to be entitled "An act to validate certain notarial acts in the State of Texas,"

Was laid before the Senate, read the second time and passed to its third reading.

On motion of Senator Tyler,

House bill No. 336, a bill to be entitled "An act to amend chapter 15 of title 17 of the Penal Code of the State of Texas, by the addition of articles 772a, 772b, 772c and 772d,"

Was laid before the Senate, read the second time and passed to its third reading.

On motion of Senator Frank,

House bill No. 618, a bill to be entitled "An act authorizing the recording of transcript from the records of justices' courts as deeds are now recorded, when said transcripts are evidence of title to land,"

Was laid before the Senate and read the second time, with committee amendments.

The committee amendments were adopted and the bill passed to its third reading.

Senate bill No. 291, a bill to be entitled "An act to require foreign corporations to file their articles of incorporation with the Secretary of State, in

posing certain conditions upon such corporations transacting business in this State, and to repeal an act approved April 2, 1887, entitled an act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in the State, and providing penalties for a violation of the same."

Was laid before the Senate with House amendments.

On motion of Senator Armistead the Senate concurred in the House amendments.

The President referred Substitute House bill No. 167 to Judiciary Committee No. 2, House bill No. 660 to Judiciary Committee No. 1 and House bill No. 500 to the Committee on Agriculture, Insurance, Statistics and History.

On motion of Senator Stephens, House bill No. 280, a bill to be entitled "An act to create articles 216a and 216b of title 4, chapter 2, of the Code of Criminal Procedure of the State of Texas,"

Was laid before the Senate, read the second time and passed to its third reading.

(Senator McDonald in the chair.)

On motion of Senator Woodward: House bill No. 445, a bill to be entitled, "An act to repeal section 4, article 730, chapter 7, title 8, of the Criminal Procedure of the State of Texas, in relation to persons competent to testify in criminal actions, and to permit the defendant in a criminal action to testify in his own behalf," was laid before the Senate and read the second time, with unfavorable (majority) and favorable (minority) report.

Senator Woodward moved to substitute the minority (favorable) report for the majority (unfavorable) report.

Senators Burges, Sims, Tyler, Pope and Glasscock spoke in favor of the motion, and

Senators Lane, Field and Cranford spoke in opposition to it.

Senator Burney moved the previous question on Senator Woodward's motion.

Seconded.

The main question was ordered.

The minority (favorable) report was substituted for the majority (unfavorable) report by the following vote:

YEAS—18.

Abercrombie,	Kimbrough,
Allen,	Maetze,
Armistead,	Pope,
Atlee,	Simkins,
Burges,	Sims,
Burney,	Stephens,
Davis,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

NAYS—8.

Claiborne,	Frank,
Cranford,	Lane,
Field,	McDonald,
Finley,	Seale.

Senator Finley moved to Amend by adding to section 1 the following:

"Provided, that this act shall not apply to cases where the defendant is charged with a felony."

Senator Armistead moved the previous question on the bill and amendment.

Seconded.

The main question was ordered.

On motion of Senator Armistead, Senator Finley's amendment was laid on the table.

The bill passed to its third reading.

Senator Burney moved to suspend the constitutional rule to put the bill on its third reading and final passage.

Lost by the following vote:

YEAS—19.

Abercrombie,	Maetze,
Allen,	McDonald,
Armistead,	Pope,
Atlee,	Simkins,
Burges,	Sims,
Burney,	Stephens,
Davis,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Kimbrough,	

NAYS—7.

Claiborne,	Frank,
Cranford,	Lane,
Field,	Seale.
Finley,	

Senator Frank moved to suspend the constitutional rule to take up and put on its third reading and final passage, Substitute House bill No. 360 (The Appropriation bill.)

The motion was lost by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.

NAYS—2.

Burges, Claiborne.

On motion of Senator Lane,
House bill No. 453, a bill to be entitled "An act to create and establish boards of health in the unincorporated towns and villages of Texas,"

Was taken up out of its regular order.

The bill was laid before the Senate, read the second time and passed to its third reading.

On motion of Senator Allen,
House bill No. 516, a bill to be entitled "An act to amend an act entitled an act to provide for the separation or partition of adjoining fences and to provide a penalty for the violation of the provisions of this act, passed by the Twentieth Legislature of the State of Texas, approved March 17, 1887,"

Was taken up out of its regular order and laid before the Senate.

The bill was read the second time with a committee amendment.

On motion of Senator Allen, the committee amendment was rejected.

The bill passed to its third reading.

Senator Allen moved to suspend the constitutional rule to put the bill on its third reading and final passage.

The motion was lost by the following vote:

YEAS—24.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Cranford,	Seale,
Davis,	Sims,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.

NAYS—1.

Claiborne.

ABSENT—1.

Simkins.

On motion of Senator Burney,
Substitute House bill No. 40, a bill to be entitled "An act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act entitled an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands and of the public lands of the State and to prevent the free use, occupancy, unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887," was taken up out of its regular order and read the second time, with committee amendments.

The first committee amendment was adopted.

On motion of Senator Lane,
The Senate took a recess till 8. p. m.

EVENING SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

No quorum present.

Senator Lane moved a call of the Senate.

Call sustained.

Absent without excuse—Senators Burney, Pope, Field, Glasscock, Harrison, Simkins, Maetze and Upshaw.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Burney, Upshaw, Glasscock, Maetze, Field and Simkins were announced at the door.

On motion of Senator Cranford,
The call was suspended.

On motion of Senator Armistead,
The Senate went into executive session to confirm appointments made by the Governor.

IN SENATE.

On motion of Senator Lane,
The results of the executive session were ordered spread upon the Journal and the Governor to be notified as follows:

The Senate advises and consents to the appointment of Walter Acker, Edwin Hobby and W. E. Collard to be Commissioners of Appeals.

Ben E. McCullough to be Superintendent of the House of Correction and Reformatory.

Also the following notaries public:

[For a complete corrected list of the Notaries Public, see Appendix.]

On motion of Senator Burney,
The Senate adjourned till 10 o'clock to-morrow morning.

SIXTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, April 3, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, April 3, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 20, a bill to be entitled "An act to amend section 26 of an act, entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with said act,"

And

Senate bill 374, a bill to be entitled "An act to amend article 1054, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act of the Twentieth Legislature, approved April 7, 1887."

And

Senate bill No. 26, a bill to be entitled "An act to authorize counties to fund their indebtedness, and to provide means to pay the same," with House amendments.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 3, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has adopted the accompanying concurrent resolution about placing the portraits and pictures of the State in the State Library.

W. M. IMBODEN,
Chief Clerk House of Representatives

REPORTS OF STANDING COMMITTEES.

By Senator Jarvis.

COMMITTEE ROOM,
AUSTIN, April 3, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

House Concurrent Resolution requesting the Senators and Representatives of Texas in the Federal Congress to secure to certain citizens of Brenham, Texas, payment for property destroyed on the 7th day of September, 1866, by the United States military then stationed there.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS.
Chairman.

Bill read first time.

By Senator Burges:

COMMITTEE ROOM,
AUSTIN, April 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

House bill No. 504, entitled "An act to authorize the Commissioner of the General Land Office in certain cases to change the numbers of surveys made by virtue of alternate land certificates,"